

## **EXHIBIT 18**





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A P P E A R A N C E S

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I N D E X

WITNESS: LORETTA POCH

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INSTRUCTIONS NOT TO ANSWER:  
PAGE LINE

(None)

INFORMATION REQUESTED:

(None)

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1 LITTLETON, COLORADO; TUESDAY, AUGUST 14, 2018;  
2 10:14 A.M.

3  
4 LORETTA POCH,  
5 having first been duly sworn, was  
6 examined and testified as follows:

7 EXAMINATION

8 BY MR. ANDREWS:

9 Q How are you doing? My name is Seth  
10 Andrews. I'm the attorney for the plaintiff Mark  
11 Macris. We're here today pursuant to an action you  
12 filed in the Western District of New York, naming  
13 Specialized Loan Servicing, LLC as a defendant,  
14 alleging violations of the FCRA and FDCPA.

15 We're here today to take the deposition  
16 of -- I'll refer from now on SLS as Specialized  
17 Loan Servicing. So we're here to take SLS's  
18 30(b)(6) deposition relative to that lawsuit.

19 That means you'll be providing testimony  
20 on behalf of the company, not as an individual. Do  
21 you understand that? You'll be testifying in that  
22 capacity today?

23 A I do.

24 Q Okay. Just a couple of ground rules for  
25 you again. We can only talk one person at a time;

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1 otherwise, we won't have a clear record. I tend to  
2 speak very fast. I guarantee that won't be the  
3 first time she asks me to stop and repeat the  
4 question, so I'll try to really slow down.

5 But in the event that I speak too quickly,  
6 or you don't understand, let me know and I'll slow  
7 down and rephrase. If you think that you know  
8 where I'm going with the question, you might jump  
9 in -- which I oftentimes do. Let me finish so you  
10 can then respond and we can have a clear record.

11 Okay?

12 A Okay.

13 Q You need to give verbal responses. Can't  
14 be any head nods or gestures. In order to have a  
15 complete record, we need a verbal response; is that  
16 understood?

17 A Yes.

18 Q Okay. If you don't understand a  
19 question and you answer it, I'm going to assume you  
20 understood it; is that understood?

21 A Yes.

22 Q You understand you're under oath and you  
23 have an obligation to tell the truth just as if you  
24 were in court?

25 A I do.



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1 Q If at any time you need a break, let me  
2 know. I just ask that if there's a question I've  
3 asked you, answer the question before break. Okay?

4 A Yes.

5 Q Any reason you can't provide truthful and  
6 accurate testimony today?

7 A No.

8 Q Not on any medication to alter your  
9 ability to recall or provide truthful responses?

10 A No.

11 Q Would you please state your full name for  
12 the record.

13 A Loretta Poch, P-O-C-H.

14 Q What's the -- the -- SLS's corporate  
15 address?

16 A 8742 Lucent Boulevard, Highlands Ranch,  
17 Colorado.

18 Q In preparation for today's deposition, did  
19 you discuss -- outside of your attorney. I don't  
20 want to know what you discussed with your attorney,  
21 but with anyone else?

22 A Our in-house corporate counsel.

23 Q Who is that?

24 A Patrick McBride.

25 Q Was it Patrick that, prior to starting the

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1 deposition, counsel was saying made off with the  
2 good copies of the docs?

3 A Yes.

4 Q Okay. So other than -- I don't want to  
5 know what you discussed with Patrick. Other than  
6 house counsel and counsel here, did you discuss the  
7 matter with anyone else?

8 A I did discuss the responses to the credit  
9 bureau dispute, to the e-Oscar dispute, to make  
10 sure I thoroughly understood the response and the  
11 form.

12 Q When you say you did discuss the e-Oscar  
13 response, did you discuss it with someone outside  
14 of counsel or in-house counsel?

15 A Yes.

16 Q Who is that?

17 A A gentleman in our office named Fred Korb.

18 Q Can you spell the last name?

19 A K-O-R-B.

20 Q What's Mr. Korb's position at SLS?

21 A I do not know his title.

22 Q What made you feel confident to discuss  
23 the e-Oscar response with Mr. Korb?

24 A He has worked at SLS for quite some time,  
25 and this is one of his areas of specialty

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1 knowledge.

2 Q And how do you know that? Just by word of  
3 mouth working at the company? You didn't give me  
4 his title. I'm trying to understand how you go to  
5 him.

6 A Just from working with him.

7 Q When you say you work with him, in your  
8 normal capacity as an employee for SLS, do you work  
9 in his department or --

10 A No. I speak to him on occasion when I'm  
11 looking for clarification.

12 Q Okay. So he's kind of like maybe a guru  
13 at SLS for legal matters, but he's not an attorney?  
14 Is that fair to classify him as that?

15 MR. MCGRATH: Objection to form.

16 A He has a lot of policy knowledge and  
17 procedures.

18 Q (BY MR. ANDREWS) I know you don't know  
19 his exact title, but is he high up on the hierarchy  
20 at SLS, like, is he a vice president or president?

21 MR. MCGRATH: Objection to form.

22 A I don't know.

23 Q (BY MR. ANDREWS) Okay. Other than  
24 in-house counsel, present counsel, and Mr. Korb,  
25 did you discuss the matter in preparation for

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1 today's deposition with anyone else at SLS?

2 A No.

3 Q What's the highest level of education you  
4 obtained?

5 A Two years post high school.

6 Q Do you have your associate's?

7 A It's a paralegal certification.

8 Q Okay. Where did you get that  
9 certification from?

10 A El Paso Community College.

11 Q Is that in Colorado?

12 A Yes, Colorado Springs.

13 Q Okay. When did you get that  
14 certification?

15 A 1978. You're in trouble.

16 Q It's not that long ago. Prior to today's  
17 deposition testimony, have you ever testified  
18 before in deposition?

19 A I have.

20 Q When?

21 A Oh, over the last 5 years, I've probably  
22 testified between 30 and 40 depositions.

23 Q Are what is your current position at SLS?

24 A High risk analyst.

25 Q Can you explain what that means in

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1 layman's terms?

2 A Yes. I work on contested foreclosures  
3 with local foreclosure counsel providing  
4 information from our systems of record and  
5 documents, reviewing affidavits, responses to  
6 discovery, and then I testify at depositions and  
7 trials.

8 Q After you got your certification, do you  
9 recall where you first worked?

10 A My first law firm? Yes.

11 (Interruption at the door.)

12 MR. ANDREWS: Off the record.

13 (Delay in the proceedings.)

14 MR. ANDREWS: Back on the record.

15 Q (BY MR. ANDREWS) Do you remember the  
16 question?

17 A The first law firm that I worked for, my  
18 first job.

19 Q What was the name of that firm? Do you  
20 remember?

21 A La Croix Achziger Multz & Croker.

22 Q What capacity did you work at that firm?

23 A I worked as a paralegal for one of the  
24 managing attorneys.

25 Q How long did you do that for?

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1 A A long time ago. Year and a half, 2  
2 years.

3 Q What type of practice? What area of law  
4 did you assist that attorney in?

5 A Debtor bankruptcy.

6 Q And after that, do you recall where you  
7 worked?

8 A Then I worked for Kline Smith &  
9 Associates.

10 Q And that's another law firm?

11 A Yes.

12 Q What area of law do they handle?

13 A Residential mortgage foreclosure.

14 Q And you worked as a paralegal for that  
15 firm?

16 A I did.

17 Q How long, approximately?

18 A Twelve years.

19 Q And after them, do you recall where you  
20 worked?

21 A I worked for the law firm of Shapiro &  
22 Meinhold.

23 Q What kind of law did they practice?

24 A Residential mortgage foreclosure.

25 Q How long did you work for them for.

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1 A Eleven years.

2 Q And after them?

3 A Specialized Loan Servicing.

4 Q So you've worked for SLS since 2012; is  
5 that right?

6 A No, no. I've worked for SLS since 2007.

7 Q My math is not that good. Okay. When you  
8 first started with SLS, do you recall what position  
9 you worked in?

10 A Yes. I worked in the office of corporate  
11 counsel.

12 Q How long did you do that for?

13 A Two years.

14 Q And then after that, did you move to a  
15 different position?

16 A My current position, high risk analyst.

17 Q You previously testified you also  
18 testified in trials; is that correct?

19 A Yes.

20 Q How many trials have you testified?

21 A I have not counted recently, but I can  
22 tell you that it's over 300.

23 Q Can you tell me what type of business SLS  
24 is engaged in?

25 A We're a third-party mortgage loan

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1 servicer.

2 Q Can you tell me the kind of work that SLS  
3 typically does?

4 A Yes. We service mortgage loans for  
5 investors, meaning we are the face to the borrower.  
6 We collect their monthly mortgage payments,  
7 disburse taxes and insurance, foreclose if it  
8 becomes necessary, conduct loss mitigation, try to  
9 resolve delinquencies, and if we are unable to and  
10 we wind up foreclosing and going through a  
11 foreclosure sale, then we sell the property for  
12 many of the investors after the foreclosure is  
13 complete.

14 Q You say loss mitigation. Does SLS collect  
15 debts on behalf of its clients?

16 MR. MCGRATH: Objection as to form.

17 A We attempt to resolve a delinquency with  
18 borrowers, get a loan performing. We do not  
19 collect deficiencies.

20 Q (BY MR. ANDREWS) With respect to default  
21 accounts, does SLS attempt to collect moneys on  
22 those accounts for its clients?

23 MR. MCGRATH: Object as to form.

24 A We attempt to get the monthly mortgage  
25 payments brought current.



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1 Q (BY MR. ANDREWS) Okay. So is it fair to  
2 say a regular part of SLS's practice is to collect  
3 defaulted debts for its clients?

4 MR. MCGRATH: Objection as to form.

5 A That is a small part of our business.

6 Q (BY MR. ANDREWS) Is it something that SLS  
7 does regularly?

8 A Yes.

9 MR. MCGRATH: Objection as to form.

10 A Yes. We work defaulted loans regularly.

11 Q (BY MR. ANDREWS) Does SLS provide  
12 training in FDCPA compliance?

13 A Yes.

14 Q Are you familiar with that training?

15 A I am.

16 Q Can you describe the training to me?

17 A When you're a new hire at SLS, you go  
18 through initial training, and it's a 2-week  
19 intensive training, and one of the modules is  
20 FDCPA. And then annually every employee is  
21 recertified by going to a training module and  
22 passing a test.

23 Q A written test?

24 A It's electronic.

25 Q Well, you said there's a 2-week training

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1 period. Who does that training, provide the  
2 training?

3 A We have a department, learning and  
4 development that specifically provides that  
5 training.

6 Q Is there one person in that department or  
7 is there many people in that department?

8 A There are many people in that department.

9 Q So it's not just one person that's in  
10 charge of doing the training?

11 MR. MCGRATH: Objection as to form.

12 A That's correct.

13 Q (BY MR. ANDREWS) During that 2-week  
14 period, are there any materials provided to the new  
15 employees for that system and the training?

16 A I don't know because it has been so many  
17 years since I went through the training that I  
18 don't know if they do or not.

19 Q When you went through the training, do you  
20 recall if there was any materials provided to you  
21 to help you train?

22 MR. MCGRATH: Objection as to form.

23 A My training was electronic.

24 Q (BY MR. ANDREWS) So when you say  
25 electronic, you weren't -- there was no interaction

1 with an individual? It was all learned from some  
2 software?

3 MR. MCGRATH: Objection as to form.

4 A No. We were literally sitting in a  
5 classroom, each of us with a computer and an  
6 instructor.

7 Q (BY MR. ANDREWS) So there was a live  
8 person there instructing you?

9 A Correct.

10 Q Okay. Do you recall if you ever reviewed  
11 any manuals in that training?

12 A I don't recall.

13 Q Do you know if presently the training  
14 consists of reviewing any manuals regarding FDCPA  
15 compliance?

16 A I don't know, in the initial 2-week  
17 period, what's included.

18 Q After that 2-week period, you said there's  
19 annual reviews; is that correct? Did I hear you  
20 right?

21 A Recertification.

22 Q What did that recertification consist of  
23 in addition to that electronic test, I believe you  
24 said.

25 A Right. So it's an electronic presentation

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1 in the form of slides on FDCPA, and SLS's need and  
2 requirement to comply with FDCPA. And then once  
3 you go through those slides, the very end of the  
4 presentation is the test.

5 Q Do you know who creates the slides?

6 A Learning and development.

7 Q That in-house department within SLS?

8 A Correct.

9 Q Do you know if there's an attorney in that  
10 department?

11 A All the training has oversight by a  
12 compliance attorney.

13 Q Is that the same attorney you met with --  
14 not present counsel -- you previously testified you  
15 met with earlier today?

16 A No.

17 Q Do you know that attorney's name?

18 A It has changed.

19 Q The attorney or the new attorney's name?

20 A I guess that's a fair question. The  
21 attorney. It was a male and now it's a female, and  
22 I cannot think of her name.

23 Q Do you know how long she's been working in  
24 that capacity for SLS?

25 A Several years.

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1 Q The training that you've described, that  
2 procedure, was that in place back in 2016?

3 A Yes.

4 Q Does SLS also train on how to handle  
5 e-Oscar?

6 A Yes.

7 Q Are you familiar with that training?

8 A I have not taken the e-Oscar training  
9 other than a global overview of how an e-Oscar  
10 dispute is handled, so I'm aware of it on a high  
11 level.

12 Q Okay. As much as you're aware of the  
13 FDCPA training or not as much?

14 MR. MCGRATH: Objection as to form.

15 A I would say as much as the FDCPA.

16 Q (BY MR. ANDREWS) Like in the FDCPA, are  
17 initial employees provided a 2-week training period  
18 with respect to e-Oscar disputes?

19 A I don't know if they are or not.

20 Q Do you know -- is there a particular  
21 department in SLS that handles that, like there is  
22 for the FDCPA compliance?

23 A FDCPA compliance is throughout the company  
24 in every department.

25 Q I don't want to mischaracterize your

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1 testimony. I thought you previously testified that  
2 there's a separate internal department that handles  
3 the training and compliance for FDCPA at SLS; is  
4 that right?

5 A For the training, yes.

6 Q With respect to training for an e-Oscar  
7 dispute, is there a similar department that handles  
8 protocol procedures for e-Oscar disputes within  
9 SLS?

10 A Yes.

11 MR. MCGRATH: Objection as to form.

12 A Sorry. Yes.

13 Q (BY MR. ANDREWS) Like how you previously  
14 testified in the in-house department that handles  
15 the training compliance for FDCPA, that there was  
16 multiple people within that department, are there  
17 multiple folks within the department handling the  
18 e-Oscar dispute training?

19 A I don't know the answer to that question.

20 Q Do you know if there's a head of that  
21 department?

22 A Of the learning and development training  
23 team?

24 Q The head of the department who handled the  
25 learning or training in how to handle an e-Oscar

1 dispute at SLS?

2 A I don't know the specifics of that  
3 training.

4 Q Do you know if there's specific documents  
5 that set forth SLS's routine practice of handling  
6 disputes, e-Oscar disputes at SLS?

7 A In our annual recertifications under the  
8 Fair Credit Reporting Act, there is a section on  
9 e-Oscar disputes, so similar to the FDCPA training  
10 with slides and a test, the Fair Credit Reporting  
11 Act has a similar module.

12 Q Not to be too specific, are you aware if  
13 SLS has an in-house department that handles  
14 training compliance for FCRA -- let me get my  
15 question -- is there a department that handles just  
16 FCRA compliance?

17 A Yes.

18 Q All right. Are you familiar with that  
19 training process for the FCRA?

20 A Other than the annual recertification, I  
21 am not.

22 Q So you're not sure if -- like the FDCPA --  
23 that 2-week track where new employees are taught  
24 compliance?

25 MR. MCGRATH: Objection as to form.

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1 A I don't know.

2 Q (BY MR. ANDREWS) Okay. Do you know if  
3 that procedure, as it exists today, was the same as  
4 it was back in 2016 with respect to FCRA training  
5 and compliance?

6 MR. MCGRATH: Objection as to form.

7 A As to annual recertification, it is the  
8 same.

9 Q (BY MR. ANDREWS) But outside of the  
10 annual, you're not sure?

11 A Correct.

12 Q Let's talk about the current matter. At  
13 some point, did SLS attempt to collect debt from  
14 the plaintiff -- in this Western District of New  
15 York case, Mark Macris?

16 MR. MCGRATH: Objection as to form.

17 A There were communications between SLS and  
18 both Mr. and Ms. Macris, both verbal and in  
19 writing. Monthly billing statements were sent,  
20 solicitations for loss mitigation were sent, and  
21 Mr. Macris called in several times to discuss  
22 making monthly payments.

23 Sometimes he would ask about loan  
24 modification, and sometimes he would say he wasn't  
25 interested in loan modification. Ms. Macris



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1 communicated sometimes with SLS as well.

2 Q (BY MR. ANDREWS) So what -- who was SLS's  
3 client for that account, if you know?

4 MR. MCGRATH: Objection as to form.

5 A It's a trust and I don't recall the  
6 trust's name.

7 Q (BY MR. ANDREWS) If I give you a copy --  
8 it's all bound together. It's SLS's production  
9 with objections affixed and the Bates range is 051  
10 through 370. I have it for you.

11 A Oh, yay.

12 Q Let me find a sticky. I'm sorry. Did it  
13 fall apart?

14 A Yes.

15 MR. MCGRATH: See why I wanted to do  
16 electronic.

17 Q (BY MR. ANDREWS) Let's turn to -- got it?

18 A Uh-huh.

19 Q Let's turn to SLS 180. I'm just picking  
20 out kind of a random pleading that has the caption.

21 MR. MCGRATH: Are we going to mark this as an  
22 exhibit?

23 MR. ANDREWS: Yeah.

24 Q (BY MR. ANDREWS) Are you with me?

25 A I am.

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1 Q So we see that this is an Order of  
2 Reference, and then if we look at the caption there  
3 is a plaintiff, U.S. Bank National Association as  
4 Trustee for the SROF-2013-S3 Remic Trust 1?

5 A Yes.

6 Q Does that refresh your recollection as to  
7 who SLS's client may be?

8 A Yes.

9 Q Is that still SLS's client with respect to  
10 this account?

11 MR. MCGRATH: Objection as to form.

12 A I don't know if this property has been  
13 liquidated or not, meaning at REO sale.

14 Q (BY MR. ANDREWS) Are you aware if at any  
15 time prior to the sale of the property if the  
16 account changed hands?

17 MR. MCGRATH: Objection as to form.

18 A I'm not aware of a change.

19 Q (BY MR. ANDREWS) As far as you know, that  
20 would've been SLS's client throughout this process?

21 MR. MCGRATH: Objection as to form.

22 A Yes.

23 THE WITNESS: I'll put Humpty Dumpty back  
24 together here real quick.

25 Q (BY MR. ANDREWS) Kind of flimsy. So is

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1 there someone at SLS that's in charge, or a  
2 supervisor, of handling e-Oscar disputes?

3 MR. MCGRATH: Objection as to form. Asked and  
4 answered.

5 A The handling of e-Oscar disputes?  
6 Customer support.

7 Q (BY MR. ANDREWS) You're not aware if it's  
8 one person?

9 MR. MCGRATH: Objection as to form.

10 A There is not one person. It's a group.

11 Q (BY MR. ANDREWS) If a person in that  
12 department that you just identified in customer  
13 support has a question, is there someone that they  
14 can go to in the hierarchy of SLS to have that  
15 question answered, regarding a dispute filed by a  
16 consumer?

17 MR. MCGRATH: Objection as to form.

18 A There are supervisors and managers and  
19 officers above the managers that are available.

20 Q (BY MR. ANDREWS) Okay. So let's do this:  
21 Can you describe to me kind of the hierarchy for  
22 that customer support department?

23 A Yes. There is the analysts, regular level  
24 department employees, and then they report to a  
25 supervisor, supervisors report to managers,

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1 managers report to officers, junior officers, and  
2 then junior officers report to senior officers.

3 Q Are you aware of how far up that hierarchy  
4 you just identified, an analyst, a supervisor, a  
5 manager, a junior officer, and a senior officer,  
6 how far up that hierarchy a dispute could be  
7 handled? In other words, would a senior officer  
8 ever handle a dispute?

9 MR. MCGRATH: Objection as to form.

10 A I don't know.

11 Q (BY MR. ANDREWS) What about a junior  
12 officer? Do you know if a junior officer would  
13 ever handle a dispute?

14 A I don't know.

15 Q What about a manager? Do you know if a  
16 manager would ever handle a dispute?

17 A I don't know.

18 Q What about supervisor? Do you know if a  
19 supervisor would ever handle a dispute?

20 A I don't know.

21 Q Analyst? Do you know if --

22 A Yes, they do.

23 Q An analyst handles disputes?

24 A Yes. And then it would be up to them to  
25 escalate if they needed assistance, or if there

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1 were further questions.

2 Q Is that what the process would be  
3 described as, escalating? Is that written in the  
4 manual anywhere?

5 A I don't know.

6 Q How do you know that the analyst has the  
7 ability to escalate it up to the chain above them?

8 A That's our entire corporate structure in  
9 every business unit that's specialized.

10 Q But you're not sure if that's codified in  
11 some type of manual or written protocol?

12 MR. MCGRATH: Objection. Asked and answered.

13 A I've never seen...

14 Q (BY MR. ANDREWS) Okay. What do analysts  
15 -- can you describe what their role is at SLS?

16 A It depends on their business unit.

17 Q So an analyst assigned to the current  
18 account -- what would their job duties be?

19 A So we're broken into business units that  
20 handle portions of the loan servicing. For  
21 example, we have cashiering that those analysts  
22 deal with payments received on the loan, and we  
23 have customer support that deals with borrower  
24 questions on the loan, and we have timeline  
25 management that deals with foreclosures.

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1 Q So that different breakout you just  
2 described, who would be the analyst that would  
3 handle a dispute if it came across?

4 A What kind of dispute?

5 Q The e-Oscar dispute.

6 A Customer support.

7 Q What if it was just a dispute from the  
8 consumer that sells directly?

9 A It would depend on the dispute. If it's a  
10 dispute saying, I made this payment but it wasn't  
11 applied to my loan, then cashiering would research.

12 If it's a dispute saying, my ZIP Code is  
13 wrong, customer support would handle it.

14 So it would depend on the kind of dispute  
15 that came in.

16 Q In this particular instance, what was it  
17 -- apart from the analyst's division -- that  
18 handled Mr. Macris's dispute?

19 MR. MCGRATH: Objection as to form.

20 A Are you referring to his --

21 Q (BY MR. ANDREWS) His personal dispute,  
22 not e-Oscar.

23 MR. MCGRATH: Objection as to form.

24 Q (BY MR. ANDREWS) Strike that. Let's  
25 first establish -- make it easier for you.

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1 MR. ANDREWS: Let's mark --

2 THE WITNESS: Do you need this --

3 MR. ANDREWS: Yeah, let's mark the whole  
4 thing. It's really one letter.

5 Let's go off the record.

6 (Exhibit 1 marked for identification.)

7 Q (BY MR. ANDREWS) You've been provided a  
8 document that's plaintiff's Exhibit 1. Have you  
9 seen that document prior to today?

10 A I have.

11 Q Can you identify that document for me?

12 A This is a letter that Specialized Loan  
13 Servicing received from Mark Macris, and what he's  
14 asking us to look at is the order of reference  
15 signed by James H. Dillon, the State of New York  
16 Supreme Court.

17 Do you want me to read it?

18 Q No, that's fine. I previously asked you  
19 about the different departments within the  
20 analyst's position that would handle a dispute  
21 directly from the consumer.

22 And I asked you without first establishing  
23 that Mr. Macris had indeed sent the dispute. Here  
24 is the dispute. The question now is, is there a  
25 particular department within the analyst's position

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1 that would handle disputes like this directly from  
2 the consumer?

3 A Yes, customer support would.

4 Q So customer support handles both disputes  
5 coming from the consumer as well as the e-Oscar  
6 disputes?

7 MR. MCGRATH: Objection as to form.

8 A No. It depends on the kind of dispute  
9 coming in which department would handle it. In  
10 this case, with regard to this dispute, customer  
11 support handled.

12 Q (BY MR. ANDREWS) Okay. Help me  
13 understand why this particular dispute got  
14 allocated towards customer support as opposed to a  
15 different area within the analytic department?

16 A Because it dealt with a request regarding  
17 credit reporting.

18 Q Okay. So any dispute with respect to an  
19 issue of credit reporting from a consumer, would  
20 that be allocated towards the customer support part  
21 of the analyst position?

22 A Correct.

23 Q Okay. Do you know approximately how many  
24 analysts are employed by SLS in that capacity?

25 A I don't have any idea.



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1 Q Okay. Do you know how much of their time  
2 at work is allocated for dealing with the e-Oscar  
3 and/or disputes from the consumer?

4 MR. MCGRATH: Objection as to form.

5 A I don't know.

6 Q (BY MR. ANDREWS) What are the other job  
7 responsibilities for the customer support  
8 subdivision of that analyst position?

9 A Assisting borrowers with general requests,  
10 disputes, assisting other business units.

11 Q Is the majority of their day spent  
12 handling disputes?

13 A No. The majority of their day is spent  
14 assisting customers regardless of disputes or any  
15 other request.

16 Q Do you have any idea of how many disputes  
17 the average customer service analyst at SLS would  
18 respond to in a given workday?

19 MR. MCGRATH: Objection as to form.

20 A I don't.

21 Q (BY MR. ANDREWS) Do you know who would  
22 know that information?

23 MR. MCGRATH: Objection as to form.

24 A The management group of the customer  
25 service group.

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1 Q (BY MR. ANDREWS) Does SLS have protocol  
2 with respect to how much time it takes to process  
3 the dispute?

4 MR. MCGRATH: Objection as to form.

5 A Not that I'm aware of.

6 Q (BY MR. ANDREWS) So there's no protocol  
7 in terms of how long it's going to take them to  
8 investigate a dispute?

9 MR. MCGRATH: Objection as to form.

10 Misstates.

11 A Not that I'm aware of.

12 Q (BY MR. ANDREWS) Back in 2016, was there  
13 any protocol in place for how complete SLS would  
14 process a dispute?

15 A Not that I'm aware of.

16 Q With respect to any e-Oscar dispute, were  
17 you aware of any guidelines from SLS's client or  
18 in-house on how long it should take for SLS to  
19 respond to a dispute?

20 MR. MCGRATH: Objection as to form.

21 A Not that I'm aware of.

22 Q (BY MR. ANDREWS) Is it SLS's position  
23 that it has a responsibility to respond to disputes  
24 that come directly from the consumer?

25 MR. MCGRATH: Objection as to form.

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1 A I'm sorry, can you say that again.

2 Q (BY MR. ANDREWS) Does SLS have a policy  
3 or a procedure that they take responsibility to  
4 respond to disputes that comes from a consumer?

5 A Yes.

6 Q What's that policy?

7 A That all communications from borrowers  
8 must be responded to.

9 Q Is there a time frame in which that's to  
10 occur?

11 MR. MCGRATH: Objection as to form.

12 A We treat communications from borrowers,  
13 whether they qualify or not, as qualified for  
14 written requests, and respond in those required  
15 time forms [sic]. I don't think CFPB calls them  
16 QWRs anymore. They call 'em -- I forget what  
17 they're called now.

18 Q (BY MR. ANDREWS) So is it your testimony  
19 that regardless of whether it's a written  
20 correspondence from a consumer, SLS is going to  
21 treat it as such and respond with a written reply?

22 MR. MCGRATH: Objection as to form.

23 A I'm sorry. Say that again.

24 MR. ANDREWS: Can you repeat that.

25 Q (BY MR. ANDREWS) Is it your testimony

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1 that SLS treats all communication as if it was a  
2 written communication?

3 A No.

4 Q Does SLS have a policy that calls for  
5 distinction on how to treat written communication  
6 versus oral communication coming from the consumer?

7 A We have a policy with regard to all  
8 written communications how they're handled and the  
9 timeliness of the response, and we have a policy  
10 regarding verbal communications and the response.

11 Q Are those response times different if it's  
12 verbal versus written communication from the  
13 consumer?

14 A All communications must be in compliance  
15 with FDCPA. With regard to written responses, they  
16 must be in accordance with RESPA guidelines.

17 Q Okay. Let's talk a little bit about SLS's  
18 procedure responding to disputes. Are you familiar  
19 with that procedure?

20 MR. MCGRATH: Objection as to form.

21 A Are you talking about written disputes?

22 Q (BY MR. ANDREWS) I'm talking about an  
23 e-Oscar dispute.

24 A Yes.

25 Q Let's go through it step by step. Okay?

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1 A Okay.

2 Q So let's look at --

3 MR. ANDREWS: We'll mark -- let's mark the  
4 whole thing.

5 (Exhibit 2 marked for identification.)

6 Q (BY MR. ANDREWS) I'm showing you a  
7 document marked as plaintiff's Exhibit 2. It's a  
8 series of documents Bates stamped SLS 371 through  
9 SLS 857.

10 Have you seen this stack of documents  
11 prior to today?

12 A Yes.

13 MR. MCGRATH: Take a look at it.

14 A Yes.

15 Q (BY MR. ANDREWS) Okay. Can you identify  
16 for me SLS 371 through 374?

17 A These are SLS responses to an e-Oscar  
18 dispute filed by Mr. Macris.

19 Q Okay. You testified that you're familiar  
20 with that process, the ACDV, you're familiar with  
21 that term?

22 A Yes.

23 Q That comes from -- the CRA in this case,  
24 looking at SLS 371 Experian. Are you familiar with  
25 that?

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1 A Yes.

2 Q How does the analyst get this?

3 A It comes electronically through the  
4 e-Oscar dispute system.

5 Q Okay. You testified that there's multiple  
6 analysts, correct?

7 A Yes.

8 Q How does it get to analyst Seth, for  
9 example, with Brian?

10 A I don't know.

11 Q After it makes its way to the analyst, and  
12 your testimony is you're not sure how that  
13 particular analyst gets assigned it; is that  
14 correct?

15 A That's correct.

16 Q Does that analyst look up the account  
17 that's in dispute?

18 A Yes, they do.

19 Q How do they do that?

20 A They look in our servicing platform.

21 Q What's that?

22 A It's called FISERV.

23 Q Can you spell it?

24 A F-I-S-E-R-V.

25 Q What do you mean by "servicing platform"?

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1 Explain it to me like I'm in third grade, if you  
2 can.

3 A Okay. It houses all of the loan  
4 information, borrower, borrower's mailing address,  
5 property address, financial information regarding  
6 the loan, all servicing notes regarding the loan,  
7 and the mortgage loan payment history.

8 Q So is it an account management system? Is  
9 that fair to say?

10 MR. MCGRATH: Objection as to form.

11 Q (BY MR. ANDREWS) As you understand that  
12 term?

13 A Yes.

14 Q When you say there's notes, if we look at  
15 the remainder of plaintiff's Exhibit 2, starting at  
16 381 [sic] through 857, are those the notes that  
17 you've referenced that would be housed in the  
18 FISERV --

19 MR. MCGRATH: I want you to take a look. You  
20 said through [587]?

21 MR. ANDREWS: Yeah, 381 through -- 857. I'm  
22 sorry.

23 MR. MCGRATH: 857.

24 A Yes.

25 Q (BY MR. ANDREWS) Okay. Would there be

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1 any other place where account notes would be  
2 stored?

3 A No.

4 Q No procedure to have written notes or a  
5 hard copy of a file that would contain notes?

6 MR. MCGRATH: Objection as to form.

7 A No.

8 Q (BY MR. ANDREWS) So after the employee  
9 looks the account up on the FISERV, the servicing  
10 platform -- strike that.

11 What does it look like when an employee  
12 looks up the account on that FISERV?

13 MR. MCGRATH: Objection as to form.

14 A So the first screen?

15 Q (BY MR. ANDREWS) Yes.

16 A The first screen that comes up is general  
17 loan information, borrowers' names, property  
18 address, mailing address, security numbers, phone  
19 numbers, basic loan information, original UPB,  
20 current UPB, loan terms.

21 Q Do you know if what is described, is that  
22 able to be produced or was that produced, if you  
23 know?

24 A I didn't see it in any of the document  
25 production.



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1 Q Do you know if it's something -- that  
2 first screen you just described, is that possible  
3 that analyst could print off that information  
4 onto --

5 A Yes.

6 Q Okay. So after that first screen, what  
7 then -- what would the analysts do next after  
8 locating the account and looking at the first  
9 screen on the FISERV?

10 A They would look at the loan payment  
11 history, these servicing notes. They would look at  
12 the imaging system, which is separate from FISERV,  
13 but that houses the note, the mortgage, the  
14 assignments, correspondence regarding the loan, any  
15 images related to the loan.

16 Q Is that imaging separate from FISERV?  
17 What is that imaging connected to?

18 A It's called Global Viewpoint.

19 Q Is Kimberly separate software?

20 A It is.

21 Q Is the analyst able to open up a PDF of  
22 the imaging?

23 A Yes, they are.

24 Q Okay. Is there kind of like a punch list  
25 that the analyst is instructed to go through to

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1 identify that the account is the same account?

2 A Always when working alone. Everyone is  
3 trained to look at a loan by the loan number. So,  
4 for example, don't look up John Smith and expect it  
5 to be the same loan by using that single  
6 identifier, and this is true throughout the company  
7 no matter what you're looking at.

8 Q Other than the loan number, are there any  
9 other identifiers that the analyst is supposed to  
10 use to match the account with this view?

11 A Property addresses, loan balances. So,  
12 for example, if we're servicing both first and  
13 second loan, the dispute with regard to the second  
14 mortgage, make sure you're looking at the second  
15 mortgage, not the first.

16 Q What about birth dates, Social Security  
17 numbers?

18 A That information is identified initially  
19 -- not birth dates, but Social Security numbers.  
20 There are three pieces of nonpublic information  
21 that should be used to verify that you're looking  
22 at the proper loan.

23 Q And what are those three?

24 A The loan number, the Social Security  
25 number, and like the last four of a Social.

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1 Q I think you said one twice. You said loan  
2 number, Social Security, last four of the Social.

3 A Oh, sorry. The last four of a phone  
4 number.

5 Q What about full name?

6 A Absolutely full name.

7 Q So if we look at SLS 371, and we look at  
8 the box, there's a Request Data column and then a  
9 Response Data -- are you with me?

10 A Where are you looking?

11 Q 371. In black, it says Request Data --

12 A Gotcha.

13 Q And then Response Data and Account  
14 underneath?

15 A Right.

16 Q And then Account in between that says  
17 V-E-R-I-F, I-N-D --

18 A Correct.

19 Q -- which I think stands for verified  
20 indicator, maybe, or identifier?

21 A I see where you're referring to.

22 Q Above that is an S that indicates the  
23 response element is the same as the request, D  
24 indicates different, and U indicates unknown.

25 Do you see where I read that from?

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1 A Yes.

2 Q So if we look at the middle name column,  
3 it says Kenneth --

4 A Correct.

5 Q And that's under Request. And then the  
6 Response, we just have a K.

7 A Correct.

8 Q And so D is different?

9 A That's right.

10 Q Where would the analyst have looked to see  
11 that K, that match with Kenneth?

12 A In the main screen of FISERV.

13 Q That first screen --

14 A The system will reflect K as opposed to  
15 the full middle name.

16 Q Okay.

17 MR. MCGRATH: Off the record for one second.

18 MR. ANDREWS: Yeah.

19 (Discussion off the record.)

20 MR. ANDREWS: Back on the record.

21 Q (BY MR. ANDREWS) So if we look down at  
22 the Request Data column, we see an address of 270  
23 Miller Road, Getzville, New York, 14068, and the  
24 Response Data is 270 Miller Road, Amherst, New York  
25 14068, and again that Verif column we have Ind,

1 right?

2 A Correct.

3 Q Would the analyst also look to that first  
4 page on the FISERV to get that information for that  
5 Response Data?

6 A They would look to the first page. They  
7 would also look to the loan documents. They want  
8 to ensure that we're talking about the same  
9 property even though the towns are denoted  
10 differently.

11 Q Okay. So is it ever the analyst's  
12 practice to look beyond that screen to be able to  
13 respond to a dispute in e-Oscar's view as a part of  
14 the routine practice of SLS?

15 MR. MCGRATH: Objection as to form.

16 A They would look at the loan documents, the  
17 image documents.

18 Q (BY MR. ANDREWS) Okay. When an analyst  
19 does that, would that be -- would that view pop up  
20 in the system? In other words, if the assessing  
21 analyst at SLS assessed dealing with a dispute, and  
22 goes to look at an imaged document on the thing,  
23 the Global Viewpoint, let's say Seth looks at the  
24 note, would that viewing show up as a system  
25 generating note, or maybe Seth inputs it as a note

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1 on the notes contained on the FISERV?

2 MR. MCGRATH: Object as to form.

3 A I've never seen a note indicating the  
4 depth. So what image documents did they look at to  
5 verify they were talking about the same property, I  
6 have not seen the detail and I don't believe that  
7 it exists.

8 Q (BY MR. ANDREWS) What I'm trying to get  
9 at is, is there any way to view within the system  
10 when an image is being viewed by an analyst?

11 Does the system automatically know every  
12 time an image is being viewed, or does the analyst  
13 have a protocol they're supposed to follow to note  
14 I viewed this image?

15 MR. MCGRATH: Objection as to form.

16 Q (BY MR. ANDREWS) If that's too  
17 complicated, I can break --

18 A It is. It's an IT thing. No, I don't  
19 know if there is a record, a footprint so to speak.

20 Q Perfect. If there's an electronic  
21 footprint, you're not aware if that's the case.

22 A No.

23 Q Okay.

24 MR. MCGRATH: I need a break in the next  
25 5 minutes.

1 MR. ANDREWS: Okay.

2 (Recess taken from 11:15 a.m. to 11:25 a.m.)

3 Q (BY MR. ANDREWS) Those documents that are  
4 housed in that Global Viewpoint software, are those  
5 obtained from SLS's client?

6 MR. MCGRATH: Objection as to form.

7 A Those are obtained from the prior  
8 servicing company that transferred the servicing to  
9 Specialized.

10 Q (BY MR. ANDREWS) Does SLS ever request  
11 documents from the clients?

12 MR. MCGRATH: Objection as to form.

13 A The clients don't do loan-level work.

14 Q (BY MR. ANDREWS) Just so I understand  
15 then, anytime SLS receives e-Oscar's review, their  
16 protocol is they're never going to contact a client  
17 relative to that dispute?

18 MR. MCGRATH: Objection as to form.  
19 Misstates.

20 A When you say client, you mean in this case  
21 the plaintiff in the foreclosure action?

22 Q (BY MR. ANDREWS) Correct.

23 A That is correct, we would not.

24 Q Okay. And that's just not for this  
25 particular case. That's for any foreclosure

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1 action?

2 MR. MCGRATH: Objection as to form.

3 A That's correct.

4 Q (BY MR. ANDREWS) Okay. You just  
5 testified that the client isn't involved in that  
6 level of activity on the account; is that right?

7 MR. MCGRATH: Objection as to form.

8 A That's right.

9 Q (BY MR. ANDREWS) Okay. Is there anything  
10 that would prevent SLS from reaching out to the  
11 client to request certain documents that might be  
12 beneficial with respect to a response to this view?

13 MR. MCGRATH: Objection as to form.

14 A Because we know on these trusts that they  
15 do not involve themselves loan level on any of the  
16 loans. We would not reach out to them for document  
17 specific -- or loan-specific documents.

18 Q (BY MR. ANDREWS) When SLS receives any  
19 e-Oscar dispute, do they ever contact the consumer  
20 or the individual making the dispute?

21 A I don't know.

22 Q Do you know if there's a written procedure  
23 policy with respect to whether they contact the  
24 consumer when they make a dispute?

25 A I'm not aware of one.



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1 Q So going back to the analyst then who has  
2 reviewed the screens on the FISERV software, what  
3 do they do next with respect to that procedure  
4 responding to the e-Oscar dispute?

5 A Once they verified the information is  
6 correct, an electronic response is sent to the  
7 dispute.

8 Q So if we look at plaintiff's Exhibit 2,  
9 SLS 371, the electronic response, would that be --  
10 if we look at the top right, there's a column that  
11 says Response Code, and that's got 01. Is that  
12 account information accurate as of the date  
13 reported? Is that what would be transmitted  
14 electronically?

15 A This entire form is, but that's our  
16 specific response.

17 Q Is that response manually typed in by the  
18 analyst, or is it already kind of keyed in? So if  
19 you hit 01, that statement is what shows up?

20 MR. MCGRATH: Objection as to form.

21 A I've never done it, so I don't know the  
22 answer.

23 Q (BY MR. ANDREWS) Do you know if there's  
24 other response codes other than that 01?

25 A I was looking at the Credit Bureau Codes

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1 and -- you know just on Google, their master list,  
2 but as I sit here I can't recall.

3 Q Can you walk me through what entries would  
4 also be made on what you're electronically sending  
5 back to the Credit Bureau?

6 A In the rest of the form, other than the  
7 upper right-hand Response Code, anything in gray is  
8 our response. Anything not in gray was pulled from  
9 the Credit Bureau. The Credit Bureau pulled it at  
10 the time they sent the dispute to us.

11 Q So looking down -- 371, there's a  
12 Compliance Condition Code, and there's a blank  
13 underneath it towards the bottom -- are you with  
14 me?

15 A Yes.

16 Q And then next there's an SCC, and then  
17 below that there's BO. Do you see that?

18 A Correct.

19 Q Do you know what BO stands for?

20 A I do not.

21 Q That was information that was provided  
22 from the Credit Bureau when they sent over the ACDV  
23 initially?

24 A Yes.

25 Q Do you know if that BO designation was at

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1 one point initially provided by the furnisher, in  
2 this case SLS, to the Credit Bureau?

3 A I don't know.

4 Q So once you fill out the information  
5 that's in gray, and you electronically send it, you  
6 press a button and it goes? I may be  
7 oversimplifying it, but that's the gist?

8 A That is the gist.

9 Q Okay. Do you print out or scan that ACDV  
10 response and attach to your system?

11 A It is saved in Global Viewpoint.

12 Q Okay. This says draft. Is there a  
13 finalized version that went out?

14 A The issue is this is an e-Oscar form, and  
15 they have never gotten rid of their watermark.  
16 It's on every one of their forms.

17 Q Even though it says draft, this is what it  
18 looks like when the analysts updated the  
19 investigation and punched that button and it went  
20 back?

21 A That's correct.

22 Q Okay. Do you know what the Compliance  
23 Condition Code is?

24 A I do not.

25 Q Do you know if you have to provide, as a

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1 furnish, compliance condition codes to adhere to  
2 the FCRA?

3 A I do not know.

4 Q So any information SLS would have about  
5 Mr. Macris's dispute that was provided through  
6 Experian, it looks like July 26, 2016 as stated on  
7 SLS 371, which is plaintiff's Exhibit 2, that would  
8 all be derived from either/or the FISERV screen  
9 documents and Account Summary notes; is that right?

10 A And if needed, the review of the actual  
11 loan documents.

12 Q Which would be imaged in the Global  
13 Viewpoint?

14 A That's correct.

15 Q Okay. Other than plaintiff's Exhibit 2,  
16 which is the ACDV form from Experian, and those  
17 Account Summary notes which you recently provided,  
18 as well as you provided some documents or initial  
19 disclosures, and the prior document production,  
20 which I think we probably put on the record as --  
21 I'll just say it again, Bates 051 through 370 --

22 A Do you want me to look at a few pages?

23 Q No, no. Other than those documents I just  
24 named, are there any other documents that SLS would  
25 have in their possession that would relate to

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1 Mr. Macris's dispute on the account?

2 (Background noise.)

3 Q (BY MR. ANDREWS) I know that's a lot of  
4 verbiage. I think Brian is showing --

5 MR. MCGRATH: I'm showing the witness the  
6 initial production, supplemental production, and  
7 then the production from 2 days ago.

8 Q (BY MR. ANDREWS) Perfect. Take a few  
9 minutes. There's a lot.

10 A That's it. 370.

11 MR. MCGRATH: These are going in reverse Bates  
12 number. To be clear, our copy set of our second  
13 production starts out at the end and is bound to  
14 the earliest document at the end, which explains  
15 why I was struggling to find the missing range of  
16 documents. Yeah, that was it. It was upside down.

17 THE WITNESS: Okay. Operator error. Stuck  
18 together. Dry air. Bates 1 through 50, 051  
19 through 370 and 371 through the end.

20 I'm sorry, Seth, can you ask your  
21 question.

22 Q (BY MR. ANDREWS) You just reviewed all  
23 the production.

24 A Yes.

25 Q Are there any other documents that you're

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1 aware of that SLS has, that relate to Mr. Macris's  
2 dispute on the account, that have not been  
3 produced?

4 A I'm not.

5 Q Okay. Looking at plaintiff's Exhibit 2,  
6 are you aware if there's any notation memorializing  
7 the analyst who conducted this dispute  
8 investigation relative to SLS 371, the e-Oscar  
9 dispute from Experian dated 7-26-2016?

10 A There is a note in the servicing notes,  
11 but I don't think I can find it rapidly because the  
12 dates are redacted.

13 Q Okay. Let's see. So if we look at SLS  
14 676 --

15 A Sorry, what number?

16 Q 676.

17 A Yes.

18 Q Okay. Do you see the note that reflects  
19 the analyst that conducted the investigation?

20 A Yes.

21 Q Can you first start off with -- if we look  
22 at the top, there's an Account Number, Date of  
23 Message, Teller ID, Trans Type Code, Transaction  
24 Message. Do you see that, the headings for the  
25 columns?

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1 A Yes.

2 Q Can you start off with what date the note  
3 is in?

4 A 7-21-2016.

5 Q Okay. The Teller ID?

6 A 20075.

7 Q And the Trans Type Code?

8 A NT.

9 Q And what's the Transaction Message?

10 A A very long number. Do you want me to  
11 read it?

12 Q No. Is that all the notes in 7-21? Is  
13 that the response to it?

14 A Yes.

15 Q Is that analyst's notation of conducting  
16 an investigation?

17 A Yes.

18 Q Okay. Let's do this. Let's go through  
19 the account notes. Not all of them, just certain  
20 ones I want to ask you certain questions about.

21 Before I begin that, any reason to believe  
22 that the account notes misrepresent how SLS  
23 would've handled the dispute?

24 A No.

25 Q Okay. I don't see it on here, so I'm

1 going to ask you -- and you may not know from  
2 memory.

3 Do you recall when SLS first received this  
4 account?

5 MR. MCGRATH: Objection as to form.

6 A I believe it was April 1, 2014.

7 Q (BY MR. ANDREWS) Okay. That date,  
8 April 1, 2014, what's your basis for believing that  
9 that's the date that they acquired it?

10 A In the FISERV system, there's a date of  
11 servicing transfer.

12 Q Okay. Would that be on that first screen  
13 page?

14 A It is not. It's on a page called Cust  
15 User, but the date is on the Cust User screen.

16 Q Do know that from reviewing for today's  
17 deposition? That's pretty good that you just  
18 remembered that date.

19 A No, I know it specifically in reviewing  
20 for today's deposition.

21 Q Was there a printout of that? You said  
22 Cust Serve was the --

23 A The name of the screen, yes. I reviewed  
24 it. I did not print it out. I reviewed it  
25 electronically.



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1 Q Do you know if the table can be printed?

2 A It can be printed.

3 MR. MCGRATH: And same note. We have no  
4 problem producing that document.

5 Q (BY MR. ANDREWS) It's C-U-S-T --

6 A User.

7 Q They don't want to spell the whole thing?  
8 They want to save electronic data?

9 A You know how electronic guys are.

10 Q Okay. At the time SLS received this, what  
11 was the status of the account? Was it current or  
12 in default?

13 MR. MCGRATH: Objection as to form.

14 A I need to look at the loan payment history  
15 which is in here. When the loan boarded, like  
16 loaded only boarded.

17 Q (BY MR. ANDREWS) By that, you mean when  
18 you received it, when SLS received it?

19 A That's correct. The loan was paid through  
20 September 1, 2009.

21 Q So it was delinquent since September 1,  
22 2009?

23 A The next payment due was October 1, 2009,  
24 and interest was due since September 1, 2009.

25 Q Where do you see that on --

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1           A     So I'm on Bates SLS 377, the bottom line  
2     item, the first entry on the payment history dated  
3     4-9-2014. And if you scroll over you will see  
4     under the column Paid Through Date, September 1,  
5     2009.

6           Q     Okay. Okay. Let's go to Bates 540.

7           A     Okay.

8           Q     I think it carries on through 542, 541 is  
9     redacted out. Take a minute to look through the  
10    transaction messages and let me know when you've  
11    reviewed those.

12          MR. MCGRATH: Just to be clear, it looks like  
13    that continues through the first line of 543.

14          MR. ANDREWS: Yes.

15          A     This is not necessarily in order. I can't  
16    tell the way this is printed out, what's the  
17    beginning and the end of the comment.

18          Q     (BY MR. ANDREWS) Reviewing it -- have you  
19    reviewed it?

20          A     Yes.

21          Q     Okay. Do you know if this is the first  
22    time SLS received notice from Mr. Macris that he  
23    was disputing -- he was responsible on the  
24    mortgage, or he was relieved from obligations --  
25    the August 24th, 2015 is the date of all those

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1 notes.

2 MR. MCGRATH: Object. Just to clarify that  
3 the scope is from when SLS was servicing the loan,  
4 which the witness testified was in April 2014. So  
5 her testimony will be limited to SLS's information  
6 from April of 2014 through August of 2016 as per  
7 our response to 30(b)(6) topics.

8 MR. ANDREWS: It's '15, right?

9 MR. MCGRATH: Yes. I'm just clarifying that  
10 to the extent there's information prior to that,  
11 the witness is not here to testify on behalf of  
12 that.

13 A I'm sorry, Seth, I have to go through  
14 these.

15 Q (BY MR. ANDREWS) That's okay.

16 A Can you tell me your question again?

17 Q Sure. The question is, on August 24,  
18 2015, was that date the first time Mr. Macris  
19 contacted SLS to state he wasn't obligated on the  
20 account any longer?

21 A No.

22 Q So there was a date prior to August 24,  
23 2015 when he contacted SLS --

24 A Or his agent.

25 Q Do you see that in the summary notes?

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1           A     I do. I lost the page. I'll take you  
2 back to it in just a minute.

3           MR. MCGRATH: You need a sticky.

4           THE WITNESS: Terry gracefully provided it.  
5 She gave it to me when I got this.

6           A     It's much easier when it's electronic and  
7 you're word searching. Your question was  
8 specifically when Mr. Macris contacted us?

9           Q     (BY MR. ANDREWS) Correct.

10          MR. MCGRATH: Off the record.

11          (Discussion off the record.)

12          MR. ANDREWS: Back on the record.

13          Q     (BY MR. ANDREWS) The question was, was  
14 August 24, 2015 the date Mr. Macris first contacted  
15 SLS disputing that he was responsible or obligated  
16 on the mortgage?

17          A     Yes.

18          Q     It was also the first time that he  
19 requested that he be dropped from the foreclosure  
20 action?

21          A     Yes.

22          Q     Let's look at 6-26. Are you with me?

23          A     I am.

24          Q     Can you -- can you explain the notation,  
25 the first one, on March 26, 2016? It starts with

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1 ES and CCI.

2 A ES stands for executive services, which is  
3 an escalating group within customer support. The  
4 customer called in, talked to one borrower.  
5 Borrower advised he will be sending a court order  
6 that he should be removed from account and not  
7 report him negative to credit.

8 Q Okay. So ES, that a subset of an analyst  
9 position?

10 A It is a subset of the customer support.

11 Q Okay. And then we're -- it says contact  
12 with customer changed hour. What does that mean?

13 A Just the type of contact, meaning we  
14 contacted him as opposed to, no, we didn't contact  
15 him.

16 Q I don't understand. R means it's okay for  
17 SLS to contact or SLS to initiate contact?

18 A That we had contact with the borrower.

19 Q Oh, that there was contact?

20 A Correct.

21 Q Okay. And then that last notation where  
22 it says assistance, victorious, is that the --  
23 Victor --

24 A Victorious.

25 Q Let's go to 6-31.

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1 A You have to do all the evens together and  
2 all the odds together. Okay.

3 Q Same thing, can you break out what those  
4 messages say from 3:29 to 3:30 on 6-31?

5 A Yes. The first group is teller ID 11328,  
6 outbound call Catherine M. Macris verified  
7 information advise customer cust file abandoned.  
8 Will send RMA reactive. Tony K.

9 Q What is RMA?

10 A Request for modification assistance.  
11 Request for mortgage assistance.

12 Q What's reactive?

13 A Started up again.

14 Q Okay. That's not a specific division  
15 within SLS?

16 A No.

17 Q Okay. If we look on March 30th, 2016,  
18 starting at ES, can you explain what that notation  
19 states?

20 A Are you looking at teller ID 4904?

21 Q Correct.

22 A ES inbound call. Verified information.  
23 Talked to Mark Macris. Calling stating he has doc  
24 showing he needs to be removed from the note per  
25 court orders these docs. SLS attorney handling the

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1 foreclosure//borrower is insisting for an email  
2 address for he to submit the docs. Advise only  
3 have fax or mailing address. And then the teller's  
4 name.

5 Q When the notation that states these docs  
6 SLS attorney handling, do they mean in-house, or do  
7 they mean Davidson & Fink?

8 A They mean Davidson & Fink.

9 Q Let's look at 649.

10 A Go the other way. It works better. Okay.

11 Q That's going to spill over onto 650.

12 A This begins with the last line.

13 Q It looks like it begins on April 27 of  
14 '16.

15 A Okay.

16 Q There's a line that says contact with  
17 consumer [sic]. Changed to P?

18 A Right.

19 Q What's P?

20 A Just indicating that we had contact with  
21 the borrower.

22 Q Before it was an R, I believe, right?

23 A That's true.

24 Q What's the difference between P and R?

25 A I don't know.

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1 Q If we look at the bottom of the last  
2 notation on May 3rd, 2016 --

3 A Uh-huh.

4 Q -- there's an 025, we have received a  
5 court order in regards to -- if you look on the  
6 next page at SLS 650, removing one of the borrowers  
7 from the loan, if we look at plaintiff's Exhibit 1,  
8 is that letter what's being referenced in that  
9 notation?

10 A Yes.

11 Q Okay. And then there's the message that  
12 states UF 63 updated to P, VC, updated to P. What  
13 does that mean?

14 A Those are codes in FISERV that just  
15 indicate a change in the status of the loan. I  
16 don't have these codes with me. I don't know...

17 Q When you say status of the loan --

18 A So we have contact from Mr. Macris and the  
19 request.

20 Q The message below says this letter is in  
21 gv as of 5-2-16 imaged as. gv is the Global  
22 Viewpoint?

23 A That's correct.

24 Q And then there's a note that says, please  
25 review docs and advise if borrower one will be



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1 reviewed.

2 A Yes.

3 Q Do you know if at that point SLS did an  
4 investigation with respect to Mr. Macris's request?

5 A Yes.

6 Q Was an investigation performed at that  
7 time?

8 A Yes.

9 Q Who performed it?

10 A I don't know who.

11 Q Is there a note in here that indicates  
12 than an investigation was done?

13 A Yes.

14 Q Can you point me to where that would be,  
15 what note?

16 MR. ANDREWS: We can go off the record.

17 (Discussion off the record.)

18 MR. ANDREWS: Back on the record.

19 Q (BY MR. ANDREWS) Back on the record.

20 A Okay. So the entry we're talking about  
21 begins 025. We have received a court order in  
22 regards to removing one of the borrowers from the  
23 loan. This letter has been GV as of 5-2-16 imaged  
24 as divorce decree. Please review docs and advise  
25 if borrower one will be removed. TY.

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1 The next entry is 025 done 5-10-16 by  
2 teller 04247 test type 002 loan data correction.

3 Next section still on 5-10. 025, unable  
4 to assist. Please open correct CIT for the right  
5 department. Closing CIT.

6 Next section begins a new CIT 026. Please  
7 send correspondence issued on 5-2-2016 (QWR) to  
8 email markmacris@yahoo.com. Still on 5-10-2016.

9 CIT 026 done. 5-10-2016 by teller  
10 19345 test type 108 resend docs. Then CIT 026,  
11 invalid request for 108. Please send  
12 correspondence issued on 5-2-2016 (QWR) to email  
13 markmacris@yahoo.com.

14 MR. MCGRATH: Just for clarification of the  
15 record, the witness is reading from the unredacted  
16 version of Exhibit 2. Defendant has agreed to  
17 unredact that section and provide it, and we will  
18 make that Exhibit 2B, the section she just read  
19 from.

20 Q (BY MR. ANDREWS) What does CIT stand for?

21 A It's a work item, like a tickler.

22 Q Okay. Did I hear you read it right, there  
23 was two different tellers involved in that  
24 investigation process, two different analysts?

25 A Yes. CIT 25, teller 4247, and CIT 26 were

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1 tellers 14128 and 19345.

2 MR. MCGRATH: Mr. Andrews, if you want to look  
3 at this, that's fine, what she's reading.

4 MR. ANDREWS: That would be helpful.

5 MR. MCGRATH: As long as you don't scroll.

6 MR. ANDREWS: Perfect.

7 Q (BY MR. ANDREWS) With respect to  
8 May 10th, 2016, the message that says 085, unable  
9 to assist, please open correct CIT for the next  
10 line right department closing CIT -- did I read  
11 that right?

12 A Yes.

13 Q What's 025?

14 A That is the number of the work item.

15 Q Okay. What do you mean by work item?

16 A CIT is the tickler.

17 Q Okay.

18 A And this is the tickler number, 025.  
19 There are two place code requests from one person  
20 to another person to do something.

21 Q 025 is not referencing a particular  
22 document?

23 A Correct.

24 Q It's a task?

25 A That's correct.

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1 Q Okay. So the line unable -- or the phrase  
2 "unable to assist," that's one analyst telling  
3 another analyst that they can't help them?

4 A Right. They're saying you asked the wrong  
5 group to perform a task. Send your task to the  
6 correct group.

7 Q Okay. If we go to the next line, 026,  
8 that's another task?

9 A Correct.

10 Q Please send correspondence issue on -- I  
11 think you skipped a few lines down to this 58-10-26  
12 that says correspondence issued on 5-2-16?

13 A Right here?

14 Q Okay.

15 A Yes.

16 Q To email markmacris@yahoo.com?

17 A Correct.

18 Q That note or those series of notes are  
19 stating for a response to be emailed to Mark Macris  
20 at that email address?

21 A That's correct.

22 Q Okay. Sit tight. I'm trying to come back  
23 to that.

24 A All right. I have literally 321. We're  
25 two off -- oh, right here, perfect.

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1 Q Can you mark this 3?

2 (Exhibit 3 marked for identification.)

3 Q (BY MR. ANDREWS) I'm showing you a  
4 document marked plaintiff's Exhibit 3. Have you  
5 seen that document prior to today?

6 A I have.

7 Q Is that the document that's referenced in  
8 those lines that we just previously read that said  
9 for correspondence to be issued to Mark Macris at  
10 markmacris@yahoo.com?

11 A No.

12 Q Okay. So that line states that on 5-2-16,  
13 correspondence to be sent to Mark Macris at  
14 markmacris@yahoo.com?

15 A Yes.

16 Q With respect to his dispute that he called  
17 in -- not called in -- with respect to that dispute  
18 letter, plaintiff's Exhibit 1 -- I'm showing you  
19 plaintiff's Exhibit 1 again.

20 Is that correspondence that is identified  
21 as being sent to markmacris@yahoo.com, is that in  
22 response to plaintiff's Exhibit 1, SLS 322?

23 A No.

24 Q What is that correspondence in reference  
25 to?

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1 A He called in. This was a call saying --

2 Q Okay. So the next line, 027, receive QCD.  
3 What's QCD?

4 A Quitclaim deed.

5 Q Okay. Next line says done May 31st, 2016  
6 by TLR. What's that?

7 A So the quitclaim deed was forwarded to the  
8 imaging group, and it was scanned and saved, and  
9 they're saying, I completed your request. So this  
10 person is saying here is the QCD, scan it and save  
11 it. And this person is saying, okay, I did.

12 Q The next line, TSK. What's TSK?

13 A TSK TYP, T-Y-P, 436, due on sale.

14 Q What does that translate to?

15 A I would have to look at more of the notes.

16 Q Okay. And then we have another task at  
17 027, quitclaim deed received. No further action?

18 A Right.

19 Q And then the next note is required.  
20 What's the report?

21 A It's all one comment. It's word wrapping.  
22 No further action required.

23 Q Okay. Then we have another TSK TYP 108,  
24 resend docs?

25 A Right.

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1 Q So that's a task for an analyst to resend  
2 docs to who?

3 A TSK TYP 108 resend docs. And then the  
4 next line is 028. Docs need to be specified,  
5 closing CIT.

6 MR. MCGRATH: Off the record just one second.

7 (Discussion off the record.)

8 MR. ANDREWS: Back on the record.

9 Q (BY MR. ANDREWS) We just went through,  
10 pursuant to SLS 650, where it states -- SLS  
11 received plaintiff's Exhibit 1, which is this  
12 dispute letter, right?

13 MR. MCGRATH: Objection. Form. I believe it  
14 misstates what she said.

15 Q (BY MR. ANDREWS) Let's start beginning at  
16 SLS 649, last entry, which is May 3rd, 2016 for the  
17 Trans Type Code. It says CIT, and then the  
18 transaction message says 025. We received a court  
19 order in regards to -- and then it wraps to 650 and  
20 says removing one of the borrowers from the loan.

21 This letter is in GV as of 5-2-16 imaged  
22 as divorce decree, please review docs and advise  
23 the borrower when will be removed.

24 Is that referencing plaintiff's Exhibit 1,  
25 that SLS received it as of that date?

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1 A I believe it is.

2 Q The next question was what, if any,  
3 investigation did SLS do at that time? And you  
4 just read into the record a series of transaction  
5 messages between two analysts where one analyst  
6 requested another analyst to do something and was  
7 told you have the wrong department or party; is  
8 that right?

9 A Correct.

10 Q Okay. What, if anything else, did SLS do  
11 with respect to investigating the claims brought by  
12 Mr. Macris on plaintiff's Exhibit 1?

13 A Okay. If you go to SLS 654 --

14 Q Okay. I'm with you.

15 A This is 5-17-2016.

16 Q Okay.

17 A It's a phone call as indicated by  
18 transaction type code DM, teller number 1833,  
19 verified info contact, and the rest of that seems  
20 to be redacted.

21 But then from teller number 1985 asked the  
22 borrower for needed item multiple times to  
23 underwrite loan to remove name on loan. We need  
24 document decision package sent on 5-17 by Mark.  
25 Refused. States he's no longer liable.



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1 Refinanced. Mark stated that he has no interest  
2 in -- and then skip that NT comment.

3 Explained loan will need to be refinanced  
4 or providing info to resolve by alternate means.  
5 Now go to 655. Alternate means resolving to remove  
6 name to resolve our refi on Catherine's behalf the  
7 -- from this loan. Advice, if needed. Items.  
8 Divorce decree is noted on file.

9 Q So when that 5-17-2016, teller 1985,  
10 message says asked borrower for needed items, what  
11 are those needed items?

12 A I would have to listen to the phone call,  
13 but the concept would be items that would qualify  
14 Catherine to be the only borrower on this loan,  
15 meaning ability to pay, proof of income, pay stubs,  
16 tax returns.

17 Q So you would have to listen to the call.  
18 Does SLS record the conversations between its  
19 analyst and consumers, customers?

20 A Yes.

21 Q Are conversations between SLS and  
22 Mr. Macris recorded?

23 A I did not listen to the recorded calls. I  
24 expect that they should be there, be in the  
25 recorded call log.

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1 Q So is it SLS's policy and procedure to  
2 record all communications telephonically it has  
3 with customers or consumers?

4 MR. MCGRATH: Objection as to form.

5 A If the borrower requests that the call not  
6 be recorded, then -- so initially, they can ask  
7 that the call not be recorded, and then a  
8 supervisor call them back on an unrecorded line.  
9 But if the caller does not request that the call  
10 not be recorded, it should be recorded.

11 Q (BY MR. ANDREWS) Okay. Assuming there's  
12 no request not to record, is it recorded regardless  
13 of whether it's an inbound or an outbound call?

14 A Yes.

15 MR. MCGRATH: I'm going to need to take a  
16 break.

17 MR. ANDREWS: Okay.

18 (Recess taken from 12:40 p.m. to 12:47 p.m.)

19 MR. ANDREWS) Back on the record.

20 Q (BY MR. ANDREWS) You previously testified  
21 that the policy is that it is okay to have these  
22 recordings, but you didn't listen to the recordings  
23 in preparation for today's deposition testimony; is  
24 that right?

25 A That's right.

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1 Q Do you recall if you ever listened to the  
2 recordings at any time relative to this account?

3 A No, I did not listen to them ever.

4 Q As you sit here today, do you have  
5 definitive knowledge that there are recordings  
6 regarding the conversations between Mr. Macris and  
7 SLS?

8 A There are recordings of phone calls.  
9 Since I didn't listen to them, I didn't know who  
10 the parties are on the calls.

11 Q When you testified that there are  
12 recordings, there are recordings on this account?

13 A Yes.

14 Q But you're not sure. It could be  
15 Ms. Macris, for example?

16 A That's correct.

17 Q To your knowledge, are these recordings  
18 able to be taken off -- strike that. How are these  
19 recordings housed?

20 MR. MCGRATH: Objection as to form.

21 A They are audio files.

22 Q (BY MR. ANDREWS) Okay. Are those audio  
23 files able to be downloaded and put on a disk?

24 A Yes.

25 Q Going back to SLS 654, which you

1 identified those series of statements on that Bates  
2 page as SLS's actions taken in response to  
3 Mr. Macris's dispute letter, which is plaintiff's  
4 Exhibit 1, correct?

5 MR. MCGRATH: Objection to form.

6 A His -- I believe it was his call regarding  
7 his dispute letter.

8 Q (BY MR. ANDREWS) Okay. At any time, did  
9 SLS reach out to in-house counsel to seek advice on  
10 how to handle his dispute?

11 MR. MCGRATH: Objection. I'm going to caution  
12 the witness not to reveal the substance of any  
13 communications between SLS and its attorneys. To  
14 the extent SLS had conversations with its  
15 attorneys, you're allowed to answer whether they  
16 had conversations.

17 Q (BY MR. ANDREWS) I don't want to know  
18 about substance. I want to know if they reached  
19 out to them. That's all.

20 A No.

21 Q Based on that SLS 654, it appears that an  
22 analyst was -- it looks like just one analyst --  
23 I'm sorry. There's two analysts that were  
24 responsible for the actions that are listed in that  
25 Bates --

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1           A     It's really just analyst 1985, teller ID  
2     1985.

3           Q     Okay. Do you know if that analyst -- do  
4     you know if that analyst consulted with anyone --  
5     above him in the hierarchy with respect to that  
6     response?

7           A     I don't know.

8           Q     Do you know what the general background of  
9     analyst 1985 was around May 17, 2016?

10          A     I do --

11          (Cross-talking.)

12          MR. MCGRATH: Objection. Beyond the scope.

13          A     Sorry. And I do not.

14          Q     (BY MR. ANDREWS) Let's look at 658. Are  
15     you with me?

16          A     I am.

17          Q     Okay. Can you explain what those notes  
18     state?

19          A     Yes. With regard to teller number 1833,  
20     customer called in Mark Macris verified  
21     information. Customer called in about being  
22     removed from loan. Received court order to remove  
23     him from the loan. Sent email to supervisor to  
24     assist in removing him from the loan. Tony K.  
25     Contact with customer changed to P.

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1 Q So did Tony K email the supervisor?

2 A Yes.

3 Q Okay. Who was that supervisor? Do you  
4 know who that supervisor is?

5 A I don't know.

6 Q Do we know what the email from Tony K to  
7 the supervisor said?

8 A I don't know.

9 Q When an analyst emails a supervisor or  
10 anyone higher up in that hierarchy, do those emails  
11 get attached to the account notes at all?

12 MR. MCGRATH: Objection as to form.

13 A I did not look at the documents other than  
14 what's been produced, and so if it wasn't produced,  
15 I don't know.

16 Q (BY MR. ANDREWS) Okay. Is it SLS's  
17 policy that an analyst is to attach emails to the  
18 account notes when they're emailing someone higher  
19 up in the hierarchy?

20 A I don't know.

21 Q Do you know if SLS has the ability within  
22 their FISERV to even attach those emails?

23 A They wouldn't be attached in FISERV, but  
24 they could have been saved in Global Viewpoint.

25 Q So assuming that Tony K did send an email

1 to the supervisor, what would be the protocol for  
2 the supervisor to do in response of that email?

3 A To review the request and advise Tony K of  
4 the handling.

5 Q Is there anywhere in the account notes  
6 that demonstrates the supervisor got back to Tony K  
7 with the decision?

8 A It could be redacted.

9 MR. MCGRATH: Off the record.

10 (Discussion off the record.)

11 MR. ANDREWS: Back on the record.

12 (Record read.)

13 A I do not see it.

14 Q (BY MR. ANDREWS) Just so we're clear, you  
15 do not see any notation in the account summary  
16 notes that the supervisor got back to Tony K  
17 relative to Tony K e-mailing him for a decision?

18 A That's correct.

19 Q Okay. I'm showing you plaintiff's  
20 Exhibit 3. That letter is in response to  
21 plaintiff's Exhibit 1, correct?

22 A Yes.

23 Q Can you show me where in the system notes  
24 that that letter was sent out? Do you want to go  
25 back off the record?

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1 A Yeah.

2 MR. ANDREWS: Off the record.

3 (Discussion off the record.)

4 MR. MCGRATH: Back on the record.

5 Again, defendant has shown the witness the  
6 unredacted portion of Exhibit 2. We will make what  
7 the witness is looking at in unredacted form  
8 available to plaintiff as part of the record as  
9 Exhibit 2c.

10 MR. ANDREWS: Can you read the last question.

11 (Record read.)

12 A Okay. On 5-23-2016, teller 1985, type NT,  
13 dispute resolved, see PPV for details.

14 Q (BY MR. ANDREWS) What does PPV stand for?

15 A PPV was the name of the predecessor to  
16 Global Viewpoint, so it was Pay Per Vision. And  
17 then we upgraded and it was then called Global  
18 Viewpoint.

19 Q Okay. That letter -- this is a form  
20 letter, plaintiff's Exhibit 3 a form letter?

21 A No. That's a custom letter.

22 Q This teller Patricia, ID 30614, she  
23 drafted this from scratch?

24 A Yes.

25 Q Okay. How do you know she drafted that?



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1 What line shows you? Do you need me to move?

2 A Maybe. I'm not. I'm sorry, Seth. What's  
3 her teller ID?

4 MR. ANDREWS: 30614.

5 Off the record again.

6 (Discussion off the record.)

7 MR. ANDREWS: Back on the record.

8 Q (BY MR. ANDREWS) Can you point to a part  
9 in the Account Summary notes that evidences that  
10 teller Patricia ID ending 30614 drafted the  
11 plaintiff's Exhibit 3.

12 A There is not a note.

13 Q How did Patricia know to draft that  
14 letter?

15 A Going back to when this dispute was  
16 received, Patricia obviously did the research and  
17 the response, but I don't know how this got to her  
18 to respond.

19 Q "This" meaning Exhibit 1?

20 A Yes. I do not know how Exhibit 1 got to  
21 Patricia, teller ID number 30614, to do the  
22 research and response.

23 Q So it was a different analyst that  
24 received plaintiff's Exhibit 1, which was the  
25 Macris dispute letter, right?

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1 MR. MCGRATH: Object as to form.

2 A Yes.

3 Q (BY MR. ANDREWS) Is there a procedure in  
4 which SLS allocates what analyst is going to handle  
5 what dispute?

6 A I have not seen the procedure.

7 Q Is it routine for one analyst to receive a  
8 written dispute and for another analyst to provide  
9 a written response to that dispute?

10 MR. MCGRATH: Objection as to form.

11 A Yes.

12 Q (BY MR. ANDREWS) That's a common  
13 occurrence, to have two different analysts work two  
14 different parts of the dispute.

15 MR. MCGRATH: Objection as to form and  
16 misstates.

17 A The correspondence comes in and is scanned  
18 and assigned to the customer support group. That's  
19 one analyst, the receipt. Then it gets to that  
20 group and the analyst in that group handles it from  
21 there.

22 Q (BY MR. ANDREWS) Is there any indication  
23 in the Account Summary notes of the investigation  
24 that Patricia, that that analyst teller with ID  
25 30614 did to fashion that response?

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1 MR. MCGRATH: Objection as to form.

2 A I saw no notes in the system from this  
3 teller ID.

4 Q (BY MR. ANDREWS) Okay. Okay. Was that  
5 -- we're talking plaintiff's Exhibit 3. That  
6 wasn't sent to Mark K. Macris and Catherine M.  
7 Macris at 403 Teakwood Terrace, Amherst, New York  
8 14221, that wasn't sent in error?

9 MR. MCGRATH: Objection as to form.

10 A I don't have any indication in the notes  
11 or otherwise that it was sent in error.

12 Q (BY MR. ANDREWS) What I'm getting at is,  
13 this letter was meant to be drafted and meant to be  
14 sent to those two, Mark and Catherine Macris. So  
15 it was intended to have that letter drafted and be  
16 sent to them. It wasn't a mistake. It wasn't  
17 somebody hit the wrong button. Someone drafted the  
18 letter that shouldn't have went to them.

19 This was intended to go to them is my  
20 question.

21 MR. MCGRATH: Objection as to form.

22 A Yes.

23 Q (BY MR. ANDREWS) Okay. Let's look at  
24 676.

25 A You really took me at my word when I said

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1 even or odd.

2 Q Yes.

3 A All right.

4 Q Starting at the top on 7-19-2016, can you  
5 explain what those messages state?

6 A This is 7-19-2016, teller ID 30923,  
7 transaction type code DM, customer called in,  
8 verified information, borrower one, property  
9 vacant. Borrower returning phone call. Educated  
10 status of account. Update mailing and request all  
11 docs be resent to new mailing. Borrower was not  
12 willing to give reason for default, but stated he  
13 has not lived at the property for over 8 years and  
14 will reach out to ex-wife to seek intentions of  
15 property. Advise foreclosure status and...

16 Q If we look down at the bottom on 7-26, can  
17 you state those transaction messages?

18 A Yes. Teller number 10489, transaction  
19 type DM, CR, outbound call cell. Talked to Mark K.  
20 Macris. Verified information. Wanted account info  
21 mailed to him so that he would know what is going  
22 on with account. I advised if interested in short  
23 sale but didn't get answer. Requested payoff. J  
24 Hernandez.

25 Q That last one requested payoff?

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1 A Correct.

2 Q Then if we look at 7-21.

3 A Oh, 7-21, date, gotcha. Teller number  
4 20075, transaction type code NT, a long number,  
5 received e-Oscar dispute. Customer claims not  
6 liable for account (i.e. ex-spouse's business).  
7 Verified still liable for account and information,  
8 verified ID SSN matches reporting correctly.

9 Q And that teller is different than -- or an  
10 analyst -- than the analyst that sent out the  
11 letter identified as plaintiff's Exhibit 3; is that  
12 right?

13 A That's right.

14 Q 677, can you explain what that says?

15 A This is dated 7-27-2016, teller 30788.  
16 DM. Customer called in. Mark K. Macris requesting  
17 all docs we have mailed to him to be faxed to (716)  
18 730-5168, stated he hasn't received any mail from  
19 us. Advised mailing address was just updated 7-22.  
20 Didn't answer what intentions with home were. SADV  
21 of sale date. Reason for default didn't want to  
22 provide. Diana.

23 Q What is SADV?

24 A I don't know.

25 Q All right. I'm done with these. Can we

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1 look at 683.

2 A Okay.

3 Q And the same thing, what does that state?

4 A The date is 9-6-2016. Teller ID 1985.  
5 Transaction Type Code DM. Mark K. Macris checking  
6 status of the loan. Advised foreclosure sale date  
7 9-27-16. Advised spoc verified removed home number  
8 (716) 632-1564. It's his parents' phone number.  
9 He said not working on loss mit. He asked if he is  
10 still on the loan. Advised yes, Linda C.

11 Q What is spoc?

12 A Single point of contact.

13 Q Can we look at 684? Can you explain those  
14 notes?

15 A Yes. Dated 9-14-2016. Teller ID 1833.  
16 Transaction Type Code NT. Deal status change.  
17 Status changed to denied of 9-14-2016 comment.  
18 Comments: RMA needs to be completed by both  
19 borrowers. Divorce decree doesn't forgive  
20 ownership to either borrower, proof of income for  
21 each borrower for last 30 days.

22 Q When it says deal status change, what does  
23 that mean?

24 A Meaning to change who was liable on the  
25 note, to remove Mr. Macris was denied.

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1 Q What does RMA stand for?

2 A Request for modification -- mortgage  
3 assistance.

4 Q And SLS is requesting proof of income for  
5 both Mr. and Ms. Macris?

6 A Yes.

7 Q Why are they requesting proof of income?

8 A To see that Ms. Macris had the ability to  
9 pay the loan on her own.

10 Q Wasn't it each borrower? It doesn't just  
11 say Ms. Macris.

12 A It does say each borrower.

13 Q Do you know why they're requesting  
14 Mr. Macris's income?

15 A I don't know.

16 Q So prior to receiving the e-Oscar dispute,  
17 did SLS have any involvement in reporting  
18 Mr. Macris's credit data to any credit reporting  
19 agency --

20 MR. MCGRATH: Objection as to form.

21 Q (BY MR. ANDREWS) -- regarding the  
22 account?

23 A We began reporting to all four Credit  
24 Bureau's in June of 2014, and that was reporting  
25 the status of the loan with regard to both Mr. and

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1 Ms. Macris.

2 Q Prior to reporting Mr. Macris's credit  
3 data for this account -- and again this is pre-  
4 dispute, did SLS ever contact its client to verify  
5 the accuracy of what it was reporting?

6 MR. MCGRATH: Object as to form.

7 A The client would not have been contacted  
8 because they would not have had loan-level data.

9 Q (BY MR. ANDREWS) Was SLS aware at the  
10 time it reported Mr. Macris's credit data on the  
11 account in May of 2016 that Mr. Macris was removed  
12 from the foreclosure action that was filed in New  
13 York Supreme Court, Erie County area.

14 MR. MCGRATH: Objection as to form.

15 A I don't know.

16 Q (BY MR. ANDREWS) Did SLS ever contact its  
17 client or its client's attorney Davidson & Fink to  
18 clear Mr. Macris as judgement debtor prior to  
19 reporting Mr. Macris's credit data in May of 2016?

20 MR. MCGRATH: Objection as to form.

21 A Whether Mr. Macris was a judgment debtor  
22 in the foreclosure would not impact how we reported  
23 credit.

24 Q (BY MR. ANDREWS) That wasn't my question.

25 My question was, did SLS ever contact



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1 either its client or its client's attorneys to  
2 inquire if you had a judgment debtor prior to  
3 reporting his credit data in May of 2016?

4 MR. MCGRATH: Objection as to form.

5 A I don't know.

6 Q (BY MR. ANDREWS) Other than plaintiff's  
7 Exhibit 3, did SLS send any letters to Mr. Macris  
8 regarding the results of the e-Oscar dispute?

9 A I don't recall seeing another letter as a  
10 result of the e-Oscar dispute.

11 (Exhibit 4 marked for identification.)

12 Q (BY MR. ANDREWS) I'm showing a document  
13 marked as plaintiff's Exhibit 4. This is  
14 Experian's ACDV Response based on the information  
15 that was provided to SLS.

16 If we look at the top box -- do you see  
17 where it says documents viewed and it's got a Y?

18 A Yes.

19 Q Okay. So I'll represent to you that that  
20 indicates that SLS indicated to Experian the  
21 documents reviewed, and then they provided their  
22 response to Experian.

23 MR. MCGRATH: Objection to form. I don't know  
24 that we established any foundation on this  
25 document. You can answer the question.

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1 Q (BY MR. ANDREWS) Yeah.

2 A I don't know.

3 Q Okay. Do you know what documents SLS  
4 reviewed prior to providing the ACDV response?

5 MR. MCGRATH: Objection as to form. Asked and  
6 answered.

7 A I don't know.

8 Q (BY MR. ANDREWS) Did SLS get a copy of  
9 the correspondence from Experian, the e-Oscar  
10 dispute?

11 A Yes, we did receive e-Oscar dispute.

12 Q What I'm asking is, did you get a copy of  
13 the dispute from Mr. Macris that he sent to  
14 Experian? Did Experian provide you a copy of that  
15 actual dispute?

16 MR. MCGRATH: Objection as to form. Vague as  
17 to time.

18 A I don't know.

19 Q (BY MR. ANDREWS) If we look over at the  
20 far right column, there's a Date Sent and then  
21 there's 7-26-2016.

22 A Correct.

23 Q That's the date that Experian sent ACDV to  
24 SLS?

25 A I don't know. This isn't an SLS form.

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1 Q Okay. Where you see the authorized  
2 verifier, Kirsten Palumbo, and then below it (720)  
3 241-7200, do you know if that phone number is an  
4 SLS number?

5 A It is an SLS number.

6 Q Do you know if Kirsten Palumbo is an SLS  
7 employee?

8 A I don't.

9 Q Do you have any reason to not believe that  
10 Kirsten Palumbo is an SLS employee?

11 MR. MCGRATH: Objection as to form.

12 A I don't have any reason to believe that  
13 she's not.

14 Q (BY MR. ANDREWS) Do you know how Experian  
15 would've gotten that name if not for being provided  
16 by SLS?

17 A I don't know.

18 Q Okay. So you have no idea who that person  
19 is?

20 MR. MCGRATH: Objection as to form.

21 A Correct.

22 Q (BY MR. ANDREWS) Okay. Again, looking at  
23 the top it has Date Sent, Date Due, Response Date,  
24 and it has a response date July 27, 2016.

25 Do you see that?

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1 A Yes.

2 Q Okay. So did SLS perform this  
3 investigation within a day of receiving ACDV from  
4 Experian?

5 MR. MCGRATH: Objection as to form.

6 A I don't know. Since this isn't our form,  
7 I don't know what those dates refer to.

8 Q (BY MR. ANDREWS) Okay. Have you seen  
9 this type of form before?

10 A No.

11 Q You testified that you previously provided  
12 deposition testimony and trial testimony for SLS,  
13 correct?

14 A Yes.

15 Q During those different times, those  
16 different matters, did you ever have occasion to  
17 see an Experian ACDV response form?

18 MR. MCGRATH: Objection. Asked and answered.

19 A No.

20 Q (BY MR. ANDREWS) Do you consider yourself  
21 a competent person to interpret ACDV?

22 MR. MCGRATH: Objection as to form. Beyond  
23 the scope.

24 Q (BY MR. ANDREWS) Answer, if you can.

25 A SLS's form.

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1 Q Okay. Looking back at plaintiff's  
2 Exhibit 2, SLS 371, you previously testified that  
3 you didn't know the Response Code, is that correct?  
4 Was 01 account information accurate as of date  
5 reported, if that was manually input or if that was  
6 just a key entry?

7 MR. MCGRATH: Objection as to form. Asked and  
8 answered.

9 A That's correct.

10 Q (BY MR. ANDREWS) Okay. But you just told  
11 me that you were competent to interpret an ACDV  
12 form for SLS; is that right?

13 A Right.

14 Q Okay. So which is it? Are you competent  
15 to do it, or are you not sure of the Response Code?

16 MR. MCGRATH: Objection as to form.

17 A I'm competent to do it. It says account  
18 information accurate as of date reported. What I  
19 don't know is if that was manually typed in, or if  
20 it's a standard comment that is entered when you  
21 choose 01.

22 Q (BY MR. ANDREWS) Do you know what SLS  
23 employee provided this ACDV?

24 MR. MCGRATH: Objection as to form.

25 A I do not.

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1 Q (BY MR. ANDREWS) Is it SLS's position  
2 that on July 27, 2016, Mark Macris was a judgment  
3 debtor relative to the foreclosure proceeding filed  
4 in the New York Supreme Court, Erie County, 803473/  
5 2015?

6 MR. MCGRATH: Objection as to form. Calls for  
7 legal conclusion. Beyond the scope. You can  
8 answer to the extent you know.

9 A No.

10 Q (BY MR. ANDREWS) Is it SLS's position  
11 that Mark Macris on July 27, 2016 was a named  
12 defendant in a pending foreclosure proceeding filed  
13 in New York Supreme Court, County of Erie, 803473/  
14 2015?

15 MR. MCGRATH: Objection as to form. Beyond  
16 the scope.

17 A No.

18 MR. ANDREWS: Off the record.

19 (Recess taken from 1:39 p.m. to 1:45 p.m.)

20 MR. ANDREWS: Back on the record.

21 (Exhibit 5 marked for identification.)

22 MR. ANDREWS: Back on the record.

23 Q (BY MR. ANDREWS) I'm showing you a  
24 document marked as plaintiff's Exhibit 5. Have you  
25 seen this document prior to today?

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1 MR. MCGRATH: Take a look through it.

2 THE WITNESS: All right.

3 A I have.

4 Q (BY MR. ANDREWS) When was the first time  
5 you think you saw this document?

6 A When I was preparing for this deposition.

7 Q Okay.

8 (Exhibit 6 marked for identification.)

9 Q (BY MR. ANDREWS) Exhibit 6, have you seen  
10 this document prior to today?

11 MR. MCGRATH: Take a moment to look at it.

12 THE WITNESS: Okay.

13 A Yes.

14 Q (BY MR. ANDREWS) Okay. Turn to page 10,  
15 paragraph 74. So SLS has raised a bona fide error  
16 defense. My question is, with respect to any of  
17 the acts taken by SLS towards Mr. Macris, were any  
18 of those errors?

19 MR. MCGRATH: Objection as to form.

20 A No.

21 Q (BY MR. ANDREWS) Okay. All the  
22 correspondence that was sent to Mr. Macris that  
23 weren't sent in error, they were sent intentionally  
24 to him?

25 A Yes.

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1 Q All the conversations that SLS had with  
2 Mr. Macris, there was nothing that was communicated  
3 to him that was in error? It was all communicated  
4 to him with that purpose, whatever that content was  
5 on that given day?

6 MR. MCGRATH: Objection as to form.

7 A Yes.

8 Q (BY MR. ANDREWS) And whatever credit data  
9 was reported to the credit bureaus regarding  
10 Mr. Macris, that was all done intentionally and  
11 none of that was in error?

12 A That's correct.

13 Q Okay.

14 MR. ANDREWS: I'm all good.

15 MR. MCGRATH: Okay. Great. No questions.  
16 I'll handle reading and signing.

17 (The proceedings were concluded at 1:49 p.m.  
18 on August 14, 2018.)  
19  
20  
21  
22  
23  
24  
25



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1 I, LORETTA POCH, the witness in the above  
2 deposition, do hereby acknowledge that I have read  
3 the foregoing transcript of my testimony, and state  
4 under oath that it, together with any attached  
5 Amendment to Deposition pages, constitutes my sworn  
6 testimony.

7  
8 \_\_\_\_\_ I have made changes to my deposition.

9 \_\_\_\_\_ I have NOT made any changes to my  
10 deposition.

11  
12 \_\_\_\_\_  
13 LORETTA POCH

14  
15 Subscribed and sworn to before me this.

16 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

17  
18 My commission expires:

19 \_\_\_\_\_  
20 \_\_\_\_\_  
21 Notary Public

22 Address:  
23 \_\_\_\_\_  
24 \_\_\_\_\_  
25 \_\_\_\_\_

REPORTER'S CERTIFICATE

I, TERRY H. EDWARDS, Registered Professional Reporter and Notary Public for the State of Colorado, certify:

That the foregoing proceedings were taken before me at the time and place therein set forth, at which time the witness was put under oath by me;

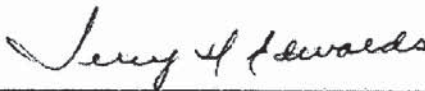
That the testimony of the witness, the questions propounded, and all objections and statements made at the time of the examination were recorded stenographically by me and were thereafter transcribed;

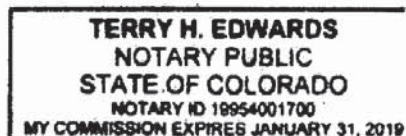
That the foregoing is a true and correct transcript of my shorthand notes so taken.

I further certify that I am not a relative or employee of any attorney of the parties, nor financially interested in the action.

I declare under penalty of perjury under the laws of Colorado that the foregoing is true and correct.

Dated this 28th day of August, 2018.

  
TERRY H. EDWARDS, Notary Public  
Commission expires January 31, 2019  
Registered Professional Reporter



Exhibits		2
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<b>30(b)(6)</b> <b>Loretta Poch August 14,</b> <b>2018 - Exhibit-05</b> 4:21 93:21,24		
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